
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JASON N. JOHNSON,

Plaintiff,

versus

JESSE SLAUGHTER, *et al.*,

Defendants.

CIVIL ACTION NO. 1:21-CV-164

**MEMORANDUM ORDER PARTIALLY ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Jason N. Johnson, formerly an inmate confined at the Gist Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation on August 23, 2023. Ordinarily this would require a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). On September 28, 2023, however, plaintiff filed a motion to dismiss the action, asserting he no longer wishes to proceed with this case.

The defendants have answered the complaint and filed a motion for summary judgment. Therefore, plaintiff is entitled to dismiss this action only by court order, on terms the court considers proper. *See* FED. R. CIV. P. 41(a)(2). Dismissal of this action will allow the defendants to avoid further costs associated with litigation. After due consideration, the court deems

dismissal of this lawsuit with prejudice to be proper and in the interest of justice. Thus, the report will be adopted to the extent it recommends dismissal.

ORDER

After careful review, the court finds that the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED** to the extent the report recommends dismissal. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 5th day of October, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE